

**REMARKS**

In response to the Office Action mailed July 19, 2011, reconsideration is respectfully requested. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1-7 were previously pending in this application. Claim 7 is amended. Claims 8-15 are added. No claims are canceled. As a result, claims 1-7 remain pending for examination, with claims 1, 6 and 7 being independent. No new matter has been added.

**Finality of Office Action**

It is respectfully pointed out that the finality of the Office Action is improper, and should be withdrawn. In this respect, MPEP §706.07(a) states that an action on the merits should not be made final where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims, nor based on information submitted in an Information Disclosure Statement (IDS). MPEP §706.07(a). Here, a new ground of rejection is introduced which is neither necessitated by an amendment to the claims nor based on information submitted in an IDS. As such, the finality of the Office Action is improper and should be withdrawn.

In the previous Office Action (i.e., issued March 30, 2011), each of independent claims 1, 6 and 7 was rejected as purportedly being anticipated by Japanese Patent Application Serial No. 406083296 to Aoyanagi (“Aoyanagi”). The response to this Office Action mailed June 29, 2011 did not include any amendments to independent claim 6. Minor amendments were made to each of claims 1 and 7 which did not relate to distinguishing these claims over Aoyanagi. No IDS was filed with, or subsequent to, the response.

Arguments presented in the previous response were successful in having withdrawn the previous rejections of claims 1, 6 and 7 as purportedly being anticipated by Aoyanagi. In the present Office Action, each of claims 1, 6 and 7 is instead rejected as purportedly being obvious in view of Aoyanagi. Thus, a new ground of rejection is introduced. This new ground of rejection is

not necessitated by claim amendments (indeed, claim 6 was not amended at all), or based on information submitted in an IDS.

In view of the foregoing, the finality of the Office Action is improper, and should be withdrawn.

#### Claim Rejections Under 35 U.S.C. §103

Each of independent claims 1, 6 and 7 is rejected under 35 U.S.C. §103(a) as purportedly being obvious over Aoyanagi. The rejection of each of independent claims 1, 6 and 7 is respectfully traversed.

##### A. Rejection Of Independent Claim 1

Claim 1 recites an information providing apparatus comprising: image display means mounted on a mobile object, presenting an image display of information which assists travel of the mobile object; vibration detecting means for detecting vibration produced on said image display means, determining whether the detected vibration is not smaller than a static, predetermined level defined prior to said vibration being detected, and sending a detection output signal when said vibration is determined to be not smaller than said predetermined level, said predetermined level being greater than an absence of vibration; and operation control means for: modifying a display mode of said information presented in the image display by said image display means from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined level produced on said image display means sustains over the predetermined duration; and modifying the display mode of said information presented in the image display by said image display means from the second display mode to the first display mode when an absence of output of said detection output signal is detected over a predetermined duration of positive length.

In the previous response (i.e., filed June 29, 2011), it was pointed that Aoyanagi does not disclose or suggest an information-provided apparatus comprising, *inter alia*, vibration detecting

means for detecting vibration of not more than a static, predetermined level that is defined prior to a vibration being detected, as claim 1 recites. The present Office Action concedes that this is the case on p. 4. However, the present Office Action contends that it would have been obvious to modify the Aoyanagi system to employ a static, predetermined level of vibration that is defined prior to a vibration being detected. The Office Action asserts that such a modification would allow the resulting system to be made more cheaply, and would reduce processing performed to determine whether a detected vibration exceeds a predetermined level (Office Action, p. 4).

These contentions are respectfully traversed. The proposed modification to Aoyanagi would render the disclosed system unsatisfactory for its intended purpose. In this respect, MPEP §2143.01 explicitly states that “if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP §2143.01(V). As a result, no *prima facie* case of obviousness is set forth.

Aoyanagi discloses an image display device for displaying an image (e.g., of a map) to a vehicle operator (Abstract). The rejection of claim 1 is based on an interpretation of Aoyanagi in which a level of vibration of the vehicle is one which (as the Office Action asserts) is at a “predetermined level.” Specifically, the passage of Aoyanagi which is cited by the Office Action as purportedly disclosing detecting vibration of “not smaller than a predetermined level,” as claim 1 recites, is ¶[0017] of Aoyanagi. In this passage, Aoyanagi discloses distinguishing between vibration experienced by the vehicle in which the image display device travels, and vibration experienced by the display device itself (¶[0017]). In this respect, Aoyanagi discloses that subtracting the vibration experienced by the vehicle from that which is experienced by the display device enables identification of the vibration of the image displayed relative to the operator, since the operator is likely experiencing the same vibration as the vehicle (¶[0017]). According to the Office Action, since the vehicle vibration is subtracted from the image display device vibration, the image display device vibration is that which is at “not smaller than a predetermined level,” meaning that the vehicle vibration is that which the Office Action considers to be at the “predetermined level.”

The Office Action contends that one skilled in the art would have found it obvious to make the vehicle vibration level not only predetermined, but also “static,” and “defined prior to a vibration being detected,” as claim 1 recites. However, modifying Aoyanagi in this manner would result in a system which would not function properly, and would be unsatisfactory for its intended purpose.

Specifically, if the Aoyanagi system were modified so that the vehicle vibration were assumed to be static, the image display device could not properly account for vehicle vibration caused by the unpredictable forces imposed on the vehicle by its environment. In reality, these forces are constantly changing, and far from static, often causing a vehicle to vibrate erratically. If the vehicle vibration level were assumed to be static, then subtracting the vehicle vibration level from the display device vibration, as Aoyanagi teaches in ¶[0017], would result in the vibration that is actually experienced by the vehicle not being properly counteracted, causing the displayed image to vibrate with respect to the operator. The result would be exactly the opposite of Aoyanagi’s expressed intent (i.e., to have the image remain visible to the operator as the vehicle vibrates unpredictably). Thus, the modification to Aoyanagi proposed by the Office Action would render the disclosed system unsatisfactory for its intended purpose.

Because the modification to Aoyanagi proposed by the Office Action would render the disclosed system unsatisfactory for its intended purpose, no *prima facie* case of obviousness has been set forth. Accordingly, the rejection of claim 1 as purportedly being obvious over Aoyanagi is improper, and should be withdrawn.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

#### B. Rejection Of Independent Claim 6

Claim 6 recites a method of providing information allowing image display of information which assists travel of a mobile object on an image display section of an information providing apparatus mounted on said mobile object. The method comprises: defining a static, predetermined vibration level that is greater than an absence of vibration; subsequent to the defining, detecting

vibration produced on said image display section; determining whether said detected vibration is not smaller than the predetermined vibration level; sending a detection output signal when said vibration is not smaller than said predetermined vibration level; modifying a display mode of said information presented as an image display by said image display section from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined vibration level produced on said image display section sustains over the predetermined duration; and modifying the display mode of said information presented as an image display by said image display section from the second display mode to the first display mode when an absence of output of said detection output signal is determined over a predetermined duration of positive length.

It should be appreciated from the discussion above regarding claim 1 that the proposed modification to the Aoyanagi system to employ a static, predetermined vibration level that is greater than an absence of vibration, and that is defined prior to detecting vibration produced on an image display section, would result in a system which is unsatisfactory for its intended purpose. Accordingly, no *prima facie* case of obviousness with respect to claim 6 has been set forth. The rejection of claim 6 as purportedly being obvious over Aoyanagi is therefore improper, and should be withdrawn.

### C. Rejection Of Independent Claim 7

Claim 7 recites an information providing apparatus comprising: an image display section mounted on a mobile object, presenting an image display of information which assists travel of the mobile object; a vibration detecting section that detects vibration produced on said image display section, determines whether the detected vibration is not smaller than a static, predetermined level defined prior to said vibration being detected, and sends a detection output signal when said vibration is determined to be not smaller than said predetermined level, said predetermined level being greater than an absence of vibration; and an operation control section that: modifies a display mode of said information presented in the image display by said image display section from a first display mode to a second display mode, when receipt of said detection output signal over a

predetermined duration of positive length indicates that the vibration of not smaller than said predetermined level produced on said image display section sustains over the predetermined duration; and modifying the display mode of said information presented in the image display by said image display section from the second display mode to the first display mode when an absence of output of said detection output signal is detected over a predetermined duration of positive length.

It should be appreciated that modifying the Aoyanagi system to employ a static, predetermined vibration level, defined prior to a vibration being detected would result in a system which is unsatisfactory for its intended purpose. Accordingly, no *prima facie* case of obviousness with respect to claim 6 has been set forth. The rejection of claim 7 as purportedly being obvious over Aoyanagi is therefore improper, and should be withdrawn.

#### New Claims

Claims 8-15 are added. Claims 8-11 depend from claim 6 and are allowable for at least the same reasons discussed above with reference to claim 6. Claims 12-15 depend from claim 7 and are allowable for at least the same reasons discussed above with reference to claim 7. Favorable consideration is requested.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70115US00.

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Respectfully submitted,

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